

to maintain the program funding levels until federal reimbursement is made available. Any amounts so transferred shall be returned to the source of the transfer on or before October 4, 1993.

Sec. 55. Sections 17 and 54 of this Act, being deemed of immediate importance, take effect upon enactment.

Approved April 2, 1993

CHAPTER 169

APPROPRIATIONS — TRANSPORTATION AND SAFETY

S.F. 232

***AN ACT** relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation and enforcement, and including allocation and use of moneys from the use tax, road use tax fund, and primary road fund, and relating to abstract fees for operating records and to registration fees for certain multipurpose vehicles and handicapped parking signs and providing effective dates.

Be It Enacted by the General Assembly of the State of Iowa:

IOWA LAW ENFORCEMENT ACADEMY

Section 1. There is appropriated from the general fund of the state to the Iowa law enforcement academy for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, including jailer training and technical assistance, and for not more than the following full-time equivalent positions:

.....	\$	857,297
.....	FTEs	23.95

DEPARTMENT OF PUBLIC DEFENSE

Sec. 2. There is appropriated from the general fund of the state to the department of public defense for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. MILITARY DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	3,732,034
.....	FTEs	209.26

When necessary, the military division is authorized to incur up to an additional \$500,000 in expenditures as long as the cash balance of the state for the fiscal year is zero or greater within 60 days after the closing of the fiscal year.

****The department of public defense shall not eliminate any fire fighter positions at the Des Moines international airport except through attrition.**** The department may use funds appropriated in this lettered paragraph to fund fire fighter positions not funded under the agreement on fire fighters between the federal government, the department, and the Des Moines international airport.

It is the intent of the general assembly that \$21,500 of the appropriation made in this subsection shall be allocated to the veterans affairs administration of the commission on veterans affairs to be used for the computerization of veterans' records. The commission on veterans

*Estimate of additional local revenue expenditures required by state mandate on file with the Secretary of State

**Item veto; see message at end of the Act

affairs shall be authorized one additional FTE for the fiscal year beginning July 1, 1993, and ending June 30, 1994, to computerize veterans' records.

2. EMERGENCY MANAGEMENT DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	290,315
.....	FTEs	10.00

DEPARTMENT OF PUBLIC SAFETY

Sec. 3. There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the department's administrative functions, including the medical examiner's office and the criminal justice information system, and for not more than the following full-time equivalent positions:

.....	\$	2,180,851
.....	FTEs	41.00

2. For the division of criminal investigation and bureau of identification including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 18 percent of the salaries for which the funds are appropriated, to meet federal fund matching requirements, and for not more than the following full-time equivalent positions:

.....	\$	6,949,660
.....	FTEs	141.00

It is the intent of the general assembly that the department of public safety shall only employ additional full-time equivalent positions for riverboat gambling enforcement as authorized by the department of management as needed for enforcement on new riverboats. The department of management shall not authorize more than 5.0 FTE positions per riverboat.

3. For the division of narcotics enforcement:

a. The state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 18 percent of the salaries for which the funds are appropriated, to meet federal fund matching requirements, and for not more than the following full-time equivalent positions:

.....	\$	2,119,406
.....	FTEs	39.00

b. Undercover purchases:

.....	\$	139,202
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4. For the fire marshal's office, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 18 percent of the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:

.....	\$	1,345,773
.....	FTEs	30.00

5. For the capitol security division, and for not more than the following full-time equivalent positions:

.....	\$	1,095,486
.....	FTEs	27.00

6. For use by the department to provide law enforcement officials for project D.A.R.E. (drug abuse resistance education) within local communities:

.....	\$	28,903
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Sec. 4. There is appropriated from the road use tax fund to the division of highway safety, uniformed force, and radio communications of the department of public safety for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, and miscellaneous purposes, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 18 percent of the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:

.....	\$	31,228,834
.....	FTEs	540.50

a. It is the intent of the general assembly that \$390,000 of the appropriation in this subsection shall be used solely for funding 6.00 FTE positions within the state patrol. Any of the \$390,000 which remains unobligated or unencumbered on June 30, 1994, shall revert to the road use tax fund on August 30, 1994.

b. It is the intent of the general assembly, that so much as is necessary of the appropriation in this subsection, shall support federal Highway Safety Act programs.

c. The Iowa law enforcement academy may annually select at least five automobiles of the department of public safety, division of highway safety, uniformed force, and radio communications, which are being turned in to the state vehicle dispatcher to be disposed of by public auction and the Iowa law enforcement academy may exchange any automobile owned by the academy for each automobile selected if the selected automobile is used in training law enforcement officers at the academy. However, any automobile exchanged by the academy shall be substituted for the selected vehicle of the department of public safety and sold by public auction with the receipts being deposited in the depreciation fund to the credit of the department of public safety, division of highway safety, uniformed force, and radio communications.

d. An employee of the department of public safety who retires after the effective date of this Act but prior to June 30, 1994, is eligible for payment of life or health insurance premiums as provided for in the collective bargaining agreement covering the public safety bargaining unit at the time of retirement if that employee previously served in a position which would have been covered by the agreement. The employee shall be given credit for the service in that prior position as though it were covered by that agreement. This section shall not operate to reduce any retirement benefits an employee may have earned under other collective bargaining agreements or retirement programs.

2. For payments to the department of personnel for expenses incurred in administering workers' compensation on behalf of the division of highway safety, uniformed force, and radio communications:

.....	\$	403,475
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3. For payments to the department of personnel for expenses incurred in administering the merit system on behalf of the division of highway safety, uniformed force, and radio communications:

.....	\$	88,390
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Sec. 5. There is appropriated from use tax receipts collected pursuant to section 423.7 prior to their deposit in the road use tax fund pursuant to section 423.24, subsection 1, to the department of public safety for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

1. For costs associated with the maintenance of the automated fingerprint information system (AFIS):

.....	\$	191,905
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2. For salaries, support, maintenance, and miscellaneous purposes of the pari-mutuel law enforcement agents, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 18 percent of the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:

.....	\$	287,766
.....	FTEs	5.00

STATE DEPARTMENT OF TRANSPORTATION

Sec. 6. There is appropriated from the road use tax fund to the state department of transportation for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. For the payment of costs associated with the production of motor vehicle licenses, as defined in section 321.1, subsection 43:

..... \$ 570,000

2. For salaries, support, maintenance, and for miscellaneous purposes:

a. Administrative services:

..... \$ 3,904,600

The legislative fiscal bureau shall annually update the legislative oversight report to be distributed to the joint appropriations subcommittee on transportation and safety. The report shall be with the assistance of the department and shall include, but not be limited to, expenditure information for all appropriated funds relating to budget, accounting and payroll, and cash flow statements and cash balances for all funds, and all contract expenditures and obligations.

b. General counsel:

..... \$ 184,240

c. Planning and research:

..... \$ 350,125

d. Aeronautics and public transit:

..... \$ 253,530

e. Motor vehicles:

..... \$ 20,650,237

f. Rail and water:

..... \$ 647,700

3. For payments to the department of personnel for expenses incurred in administering the merit system on behalf of the state department of transportation, as required by chapter 19A:

..... \$ 35,000

4. Unemployment compensation:

..... \$ 12,250

5. For payments to the department of personnel for paying workers' compensation claims under chapter 85 on behalf of employees of the state department of transportation:

..... \$ 75,000

6. For payment to the general fund of the state for indirect cost recoveries:

..... \$ 120,000

7. For reimbursement of audit expenses as provided in section 11.5B:

..... \$ 32,480

8. For paving and grading necessary to replace the scales at Missouri Valley:

..... \$ 175,000

The provisions of section 8.33 do not apply to the funds appropriated by this subsection. The funds shall remain available for expenditure for the purposes designated until June 30, 1997. Unencumbered and unobligated funds remaining on June 30, 1997, from the funds appropriated in this subsection shall revert to the fund from which appropriated on August 30, 1997.

Sec. 7. There is appropriated from the primary road fund to the state department of transportation for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

a. Administrative services:

..... \$ 25,683,900

..... FTEs 321.50

b. General counsel:		
.....	\$	1,131,760
.....	FTEs	7.00
c. Planning and research:		
.....	\$	6,754,375
.....	FTEs	158.00
d. Aeronautics and public transit:		
.....	\$	253,530
.....	FTEs	17.00
e. Highways:		
.....	\$	146,254,770
.....	FTEs	2,859.00
<i>*The department shall conduct a feasibility study on the privatization of rest area maintenance. The department may issue a request for proposals as part of the study, but shall not award a contract for the maintenance of rest areas until the study has been reported to the general assembly. The results and recommendations from the study shall be reported to the general assembly by January 15, 1994.*</i>		
f. Motor vehicles:		
.....	\$	826,239
.....	FTEs	549.00
g. Rail and water:		
.....	\$	273,300
.....	FTEs	18.00
2. For deposit in the state department of transportation's highway materials and equipment revolving fund established by section 307.47 for funding the increased replacement cost of vehicles:		
.....	\$	3,104,000
The appropriation in this subsection is provided on the basis that not more than \$3,037,778 from the highway materials and equipment revolving fund, plus an allocation for salary adjustment, may be expended for salaries and benefits for not more than 89.0 FTEs.		
3. For payments to the department of personnel for expenses incurred in administering the merit system on behalf of the state department of transportation, as required by chapter 19A:		
.....	\$	665,000
4. Unemployment compensation:		
.....	\$	232,750
5. For payments to the department of personnel for paying workers' compensation claims under chapter 85 on behalf of the employees of the state department of transportation:		
.....	\$	1,425,000
6. For costs associated with fuel tank replacement and cleanup:		
.....	\$	1,000,000
7. For payment to the general fund for indirect cost recoveries:		
.....	\$	880,000
8. For reimbursement of audit expenses as provided in section 11.5B:		
.....	\$	199,520
9. For the replacement or modification of field facilities in Blirstown and Rock Rapids:		
.....	\$	1,700,000
10. For design and installation of an expanded fire alarm system for the Ames complex (Phase I):		
.....	\$	500,000
11. For improvements, at various locations throughout the state, to comply with the federal Americans with Disabilities Act (Phase I):		
.....	\$	500,000

*Item veto; see message at end of the Act

The provisions of section 8.33 do not apply to the funds appropriated by subsections 9, 10, and 11. The funds shall remain available for expenditure for the purposes designated until June 30, 1997. Unencumbered or unobligated funds remaining on June 30, 1997, from funds appropriated in these subsections, for the fiscal year beginning July 1, 1993, shall revert to the fund from which appropriated on August 30, 1997.

Sec. 8. There is appropriated from the general fund of the state to the state department of transportation for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

- 1. a. For providing assistance for the restoration, conservation, improvement, and construction of railroad main lines, branch lines, switching yards, and sidings as required in section 327H.18; for use by the railway finance authority as provided in chapter 327I:

	\$ 2,110,553
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- b. For airport engineering studies and improvement projects as provided in chapter 328:

	\$ 2,170,080
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- 2. For aeronautics and public transit, for salaries, support, maintenance, and miscellaneous purposes:

	\$ 401,940
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Sec. 9. Notwithstanding section 29A.54, for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the annual allowance for federally recognized general officers of the Iowa army national guard and the Iowa air national guard shall be \$825.00.

Sec. 10. 1989 Iowa Acts, chapter 317, section 17, subsection 2, is amended to read as follows:
2. For the replacement of obsolete field facilities in the cities of West Union, Osage, Mount Pleasant, and Oskaloosa:

	\$ 2,941,000
	\$ 3,017,000

The provisions of section 8.33 do not apply to the funds appropriated by this subsection. Unencumbered or unobligated funds remaining on June 30, ~~1993~~ 1995, from funds appropriated for the fiscal year beginning July 1, 1989, shall revert to the fund from which appropriated on ~~September~~ August 30, ~~1993~~ 1995.

Sec. 11. On July 1, 1993, the unencumbered and unobligated balance of moneys in the erosion control fund administered by the department of transportation which contains the accumulation of the appropriations made pursuant to section 312.2, subsections 9 and 12, Code 1989, shall be transferred to the road use tax fund created in section 312.1 for purposes of that fund.

Sec. 12. Section 8.33 shall not apply to \$700,000 of the funds appropriated to the state department of transportation for the fiscal year beginning July 1, 1992, and ending June 30, 1993, in 1992 Iowa Acts, chapter 1238, section 9, subsection 1, paragraph "a", for providing assistance for the restoration, conservation, improvement, and construction of railroad main lines, branch lines, switching yards, and sidings as required in section 327H.18 and for use by the railway finance authority as provided in chapter 307B, Code 1991 and Code Supplement 1991.

Sec. 13. Notwithstanding section 307.38, the Des Moines metropolitan transit authority shall be authorized to use \$55,000 of the moneys which were to be repaid to the road use tax fund in the fiscal year beginning July 1, 1993, and ending June 30, 1994, pursuant to section 307.38, if the moneys are expended only for matching federal moneys granted for the purchase of new buses. If the moneys are used in accordance with this section, the loan payment amount up to \$55,000 for the fiscal year beginning July 1, 1993, and ending June 30, 1994, shall be repaid in the following fiscal year. However, as of June 30, 1994, if the \$55,000 has not been used to match federal moneys granted for the purchase of new buses, the moneys shall be allocated to the road use tax fund for reimbursement of the loan due under section 307.38 for the fiscal year beginning July 1, 1993, and ending June 30, 1994.

Sec. 14. ISSUANCE OF MOTOR VEHICLE LICENSES BY COUNTY TREASURERS — PILOT PROJECT.

1. One pilot project shall be established to allow the county treasurers' offices in certain counties to issue motor vehicle licenses, nonoperator's identification cards, and handicapped identification devices. The state department of transportation shall determine the counties to be involved in the project on the basis of the area covered by one of the department's driver's licensing teams.

2. The state department of transportation shall work in conjunction with the county treasurers of the affected counties and with a representative of the Iowa state county treasurers' association to facilitate and implement the transfer of licensing duties and responsibilities to the counties in accordance with all of the following:

a. The department shall retain all administrative authority over licensing functions which shall include administrative procedures relating to cancellation, revocation, or suspension of licenses, including administrative hearings and appeals and training.

b. The department shall provide the county treasurer's office in each of the counties with all of the supplies, materials, and equipment necessary to carry out the provisions of this section.

c. If it is necessary for a county treasurer to hire additional employees, first priority in hiring shall be given to current employees of the state department of transportation who become unemployed due to the changes necessitated by this section.

d. Issuance of motor vehicle licenses by the county treasurers shall include commercial driver's licenses.

e. The county treasurers shall be required to offer extended hours of service to the public in those counties in which pilot projects are established.

3. Notwithstanding the provisions of chapters 321 and 321L which grant sole authority to the department for the issuance of motor vehicle licenses, nonoperator's identification cards, and handicapped identification devices, the county treasurer in each of the counties chosen for the pilot project shall be granted the same authority as is given to the department in relation to the issuance of motor vehicle licenses, nonoperator's identification cards, and handicapped identification devices under chapters 321 and 321L.

Sec. 15. Section 80B.11, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A certified course of instruction provided for under this section which occurs at a location other than at the central training facility of the Iowa law enforcement academy shall not be eliminated by the Iowa law enforcement academy.

Sec. 16. Section 314.21, subsection 3, paragraph b, subparagraph (1), Code 1993, is amended to read as follows:

(1) For the fiscal period beginning July 1, 1989, and ending June 30, ~~1993~~ 1995, fifty thousand dollars in each fiscal year to the university of northern Iowa to maintain the position of the state roadside specialist and to continue its integrated roadside vegetation management pilot program providing research, education, training, and technical assistance.

Sec. 17. Section 321.109, subsection 1, unnumbered paragraph 2, Code 1993, is amended by striking the unnumbered paragraph and inserting in lieu thereof the following:

The annual registration fee for a multipurpose vehicle with handicapped registration plates issued under section 321.34, subsection 7, with a handicapped identification sticker affixed to the registration plates under section 321L.2, subsection 3, or whose owner or a member of the owner's household has been issued a permanent handicapped identification device under section 321L.3, subsection 1, shall be seventy-five dollars for the first through fifth model years and shall be fifty-five dollars for each model year thereafter.

Sec. 18. Section 321.124, subsection 3, paragraph h, subparagraph (6), Code 1993, is amended by striking the subparagraph and inserting in lieu thereof the following:

(6) The annual registration fee for a vehicle with handicapped registration plates issued under section 321.34, subsection 7, with a handicapped identification sticker affixed to the registration plates under section 321L.2, subsection 3, or whose owner or a member of the owner's household has been issued a permanent handicapped identification device under section 321L.3, subsection 1, shall be seventy-five dollars for the first through fifth model years and shall be fifty-five dollars for each model year thereafter.

Sec. 19. Section 321A.3, subsection 1, Code 1993, is amended to read as follows:

1. The department shall upon request furnish any person a certified abstract of the operating record of a person subject to chapter 321, 321J, or this chapter. The abstract shall also fully designate the motor vehicles, if any, registered in the name of the person. If there is no record of a conviction of the person having violated any law relating to the operation of a motor vehicle or of any injury or damage caused by the person, the department shall so certify. A fee of five dollars shall be paid for each abstract except by for state, county, or city or officials, court officials, public transit officials, or other officials of a political subdivision of the state. The department shall transfer the moneys collected under this section to the treasurer of state who shall credit to the general fund all moneys collected.

Sec. 20. Section 321L.6, subsection 3, Code 1993, is amended to read as follows:

3. The handicapped parking sign ~~may~~ shall include a sign stating that the fine for improperly using the handicapped parking space provided under section 321L.4, subsection 2 is fifty dollars.

Sec. 21. EFFECTIVE DATES.

1. Sections 10 and 16 of this Act, being deemed of immediate importance, take effect upon enactment.

2. Section 14 of this Act takes effect January 1, 1994.

Approved April 15, 1993, except those items which I hereby disapprove and which are designated as that portion of Section 2, subsection 1, unnumbered and unlettered paragraph 3 which is herein bracketed in ink and initialed by me and that portion of Section 7, subsection 1, paragraph e which is herein bracketed in ink and initialed by me. My reasons for vetoing these items are delineated in the item veto message pertaining to this Act to the President of the Senate this same date, a copy of which is attached hereto.

TERRY E. BRANSTAD, Governor

Dear Mr. President:

I hereby transmit Senate File 232, an Act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation and enforcement, and including allocation and use of moneys from the use tax, road use tax fund, and primary road fund, and relating to abstract fees for operating records and to registration fees for certain multipurpose vehicles and handicapped parking signs and providing effective dates.

Senate File 232 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the designated portion of Section 2, subsection 1, unnumbered and unlettered paragraph 3. This provision would restrict the administrative authority of the Department of Public Defense regarding firefighter positions at the Des Moines International Airport. These positions have been reduced due to revised federal staffing standards and corresponding federal funding cuts. The Department of Public Defense must be allowed to maintain its flexibility to respond to federal directives regarding personnel.

I am unable to approve the designated portion of Section 7, subsection 1, paragraph e. This provision would unnecessarily delay an initiative by the Department of Transportation that

is already well underway and has the potential of saving hundreds of thousands of dollars in road use tax funds. These funds are needed to improve the highway transportation system in the state of Iowa. Requests for proposals have already been issued and bids will be evaluated based on both the potential for cost savings and maintenance of a high quality of service.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 232 are hereby approved as of this date.

Sincerely,
 TERRY E. BRANSTAD, *Governor*

CHAPTER 170

APPROPRIATIONS – HEALTH AND HUMAN RIGHTS

H.F. 429

AN ACT relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the Iowa department of public health, the department of human rights, and the commission of veterans affairs and providing for the elimination of the health data commission and the department of human rights.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. **DEPARTMENT FOR THE BLIND.** There is appropriated from the general fund of the state to the department for the blind for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,365,822
.....	FTEs	95.00

Sec. 2. **CIVIL RIGHTS COMMISSION.** There is appropriated from the general fund of the state to the Iowa state civil rights commission for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,079,335
.....	FTEs	29.00

Sec. 3. **DEPARTMENT OF ELDER AFFAIRS.** There is appropriated from the general fund of the state to the department of elder affairs for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	430,656
.....	FTEs	28.50

2. For aging programs and services:

.....	\$	2,219,891
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All funds appropriated under this subsection shall be received and disbursed by the director of elder affairs for aging programs and services, shall not be used by the department for